

BOARD OF SELECTMEN
MINUTES
FEBRUARY 27, 2006

Pursuant to notice duly filed with the Town Clerk, a meeting of the Board of Selectmen was held at 6:00 p.m. in the Selectmen's Room.

Present were Anne D. Shapiro, Chair; Philip Benincasa; Margaret B. Briggs; Judith A. Terry; and Virginia McIntyre, Clerk. Also present was Christopher Whelan, Town Manager.

A Finance Committee hearing will take place at the new Alcott School beginning at 7:30 PM which the Selectmen will attend.

CONSENT AGENDA:

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the consent agenda.

- Town Accountant's Warrant
- One Day Special License: FOPAC, Club 51 Swing Dance, March 18, 2006
- One Day Special License: First Parish Church, Casino Night, March 17-18, 2006
- Gift Acceptance: Peggy Burns & Richard Tubman, proprietors Circle Furniture, \$21,084 for Lobby Furniture for the Community Swim & Fitness Center
- Minutes: November 14, 2005, December 19, 2005, December 27, 2005

EXECUTIVE SESSION MINUTES:

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the Executive Session #1 Minutes of December 19, 2005 not to be released at this time.

VOTED: To approve the Executive Session #2 Minutes of December 19, 2005 not to be released at this time.

VOTED: To approve the Executive Session #3 Minutes of December 19, 2005 not to be released at this time.

VOTED: To approve the Executive Session #1 Minutes of January 3, 2006 not to be released at this time.

TOWN MANAGER'S REPORT:

1. The Pool Director reports that as of the deadline for the discounted charter membership signups for the Swim & Health facility, the total is 865 family equivalents. The target was 625, which was viewed to be the minimum to operate the facility in the black. Additional members are encouraged to join.
2. The Public Works Commission is holding a Warner's Pond Dam hearing on Thursday, March 2 at 7:00 PM at Harvey Wheeler Community Center to review the 25% design drawings that the engineers working with the PWD have developed.
3. The snow and ice budget has been depleted as of the last storm. A deficit reserve of \$158K still remains unspent at this time and may be used to reduce the tax rate with the override.
4. Delia Kaye, of Sommerville, has been appointed the new Natural Resources Administrator. She is a senior environmental scientist at Vanasse Hangen Brustlin consulting firm and has a degree in wildlife biology and has worked for several years for the Trustees of Reservations. Mr. Whelan welcomed her and stated she'll begin work

Consent Agenda

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Executive
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Town Manager's
Report

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March 20 in order to give her current employer a full month notice.

5. Mr. Whelan hopes to meet this week with the Finance Director and School Building Committee Chair to review the accounts of the Alcott project, following up on the Selectmen's vote to do the air conditioning at Alcott. The School Building Committee voted last Wednesday to begin the design phase of that project.

Ms. McIntyre asked about the letter from Schumaker & Jennings regarding accelerating the payment from the bonding company. Mr. Whelan had forwarded this request immediately to the bonding agent and requested their prompt action.

CITIZEN COMMENTS:

1. Barbara Southwell, 350 Main Street, requested a follow-up on a February 10 letter she sent the Selectmen which dealt with extensive demographic data on elementary school age children as of the 2000 census and projections for 2010 and 2020. She is familiar with this data, having spent time reviewing it in her capacity as both a Trustee and Treasurer of Nashoba Brooks School. Numerous conferences have been held relating to the changing demographics in the country, which show a population decline for our region. To summarize, a decline of 610 students is predicted by 2010 and a decline in 2020 of 1202, or a 46% decline. Surrounding communities show the same declines, and Concord is part of a regional trend related to aging of the baby boomers.
Obviously, an important decision is being made about building a third elementary school, and with this data in mind they will be well over capacity if the population of children attending is going to drop 46%. She suggested getting a second opinion about population projections. Furthermore she emphasized if a position was taken disregarding data such as this, the Selectmen would want a good reason to justify why they did this. Should the Selectmen's investigation of their own consultant's population projections turn out to be right in their opinion versus hers, she would be interested in having the information to pass on to Nashoba Brooks.
2. Mr. Benincasa had pursued this information four weeks ago and shared it with the Superintendent of Schools. He was told they used projections of the New England Schools Developmental Corporation, which showed only a minor decrease over the next five years. He suggested Ms. Southwell might take a look at this information for comparison.
3. The Selectmen noted the passing of Anna Thompson, saying this was an enormous loss to the Town. Her capacity to gather the facts and inform the debate was always a joy even when one might disagree with her conclusions.

BOND SALE: Tony Logalbo

Mr. Logalbo said this is a routine sale catching up with most of the items approved at the last Annual Town Meeting. Bids were taken on February 15 for a \$4,800,000 bond issuance with serial maturities from one to ten years (5.021 years average life). Two and a half million of this is Enterprise Fund debt. The issuance date will be March 1, 2006, and principal payments will be payable March 1, 2007 through March 1, 2016. Interest is payable semiannually on September 1 and March 1, commencing September 1, 2006. The recommended award is to Roosevelt & Cross, Inc. @ 3.540941% TIC (true interest cost).

Citizen
Comments

Bond Sale

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At this point, as of June 30, 2006, we have approximately \$29MM of outstanding debt. This does not include any bond issue for the Thoreau School. We have only issued short term construction notes for that. It does include \$7MM issued for the Alcott School and with phase II and anything left from phase I that doesn't turn out to be a state grant, we have about \$3MM more to issue as a local bond on the Alcott School.

Moody's Investors Service, a municipal credit rating agency, reaffirmed Concord's Aaa credit rating prior to the bond sale. Concord remains one of thirteen Massachusetts municipalities to hold this distinction.

On a motion duly made and seconded, it was unanimously:

VOTED: To move that the sale of the \$4,800,000 Municipal Purpose Loan of 2006 Bonds of the Town dated March 1, 2006, to Roosevelt & Cross, Inc. at the price of \$4,860,079 and accrued interest is hereby confirmed. The bonds shall be payable on March 1 of each year and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2007	\$600,000	3.62%	2012	\$430,000	3.75%
2008	550,000	3.75	2013	430,000	3.50
2009	550,000	3.75	2014	430,000	3.60
2010	550,000	3.75	2015	430,000	3.625
2011	530,000	3.75	2016	300,000	5.00

Further Voted: That the consent dated February 15, 2006 to the financial advisor bidding for the bonds is hereby confirmed.

The Board thanked Mr. Logalbo.

CONTINUE WILLARD SCHOOL DISCUSSION:

Questions:

- Current septic is in the general area of the proposed septic? – **Jerry Wedge said it was agreed it would be replaced but the location was not identified. The footprint of the building in one of the options overlaps the existing leaching field. All of this would need to be phased. The civil engineers said there would be no problem in locating it as the soil is very good.**
- The new building is shown as almost perpendicular to the existing building. This means one entire façade of the new building is going to be facing south. **Mr. Wedge agreed that every classroom would be facing south in order to maximize the light.**

The Board complimented the School Committee on having all of the information available.

Willard School
Discussion

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Ms. Terry has not changed her mind and still is convinced there are a number of pressing issues that need to be addressed and this is a compelling argument. 1) she believes there are educational issues that need to be addressed that cannot be addressed in the current building, 2) economic issues that argue strongly to move forward, not just with the design phase, 3) in order to have the Town be able to focus on the next step of our school building info-structure program, we will need to address the high school. The three elementary schools will need to be completed.

Mr. Benincasa was still uncertain of his position. Design funds do not mean design and build immediately.

Ms. McIntyre remains convinced that now is not the time to move forward with a new Willard particularly where the enrollment projections are going down and feels moving forward with the high school still remains the greater urgency. She is still a fan of the Facilities Planning Report and in favor of approaching the high school project with a date of 2011 and planning for approaching a total rebuild or a new building at Willard in 2016 and doing the necessary work to ensure the building's integrity until then. Safety and maintenance issues are paramount. Minor redistricting is a measure that we can take short of building a new building.

Ms. Briggs had no comment.

Ms. Terry said it wasn't possible to go beyond seven years in giving a population estimate that had merit.

Ms. Shapiro noted:

- Agreed with Ms. Terry comments regarding population projections. She would like to see an opportunity for methodology that underscored the study that was done specifically for Concord for the next five to ten years to see how the numbers could be so different.
- Shared everyone on this Board and on the School Committees and FinCom have really thought this through. Carlisle is currently going forward with an addition to one of their school buildings.
- Based on reading the accreditation report, there are two problems on the table. She feels the space constraints at the high school exist now and it is a constraint that based on reading the accreditation report means it is constraining education at the high school level in a way most people would be disturbed by. Addressing the high school issue in a phased fashion or campus approach makes sense on a number of levels.
- Still wrestling with support design funds for Willard at this point. The money that is available from the state for funding schools currently is not there in amounts that make it possible for us to say there will be money for the Willard project or the high school project. She urges residents to make efforts to be heard that this is not the wisest way for the state to be going forward with obvious construction problems throughout the state and under funding.
- She would like the design for Willard to be better than with Thoreau and Alcott. She felt the need for public spaces we could all use along with a regulation basketball court available to the students. She does not have an answer on whether to go forward with these design funds.

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- As part of the design funds, she would like the questions answered about sustainability. Having a design that makes mandatory for teachers to be talking about bringing in old air conditioners from their homes and putting them in the classrooms is not the way to build a school we would like to keep going for fifty years. The need for some careful planning is needed to ensure a building that has a design that does not capture all the heat from the spring, fall, and summer months. Currently, Willard is used as the summer school of choice because it is more comfortable in the summer than either the new Alcott or Thoreau will be.

Ms. Terry felt it was unfair to characterize the new Thoreau as being uncomfortable as it has not even been opened yet. From our experience, we can say that Alcott was uncomfortable and we are working on that problem, but Willard is going to be the summer school next summer because Alcott is being worked on and Thoreau hasn't been opened yet to the public.

Ms. McIntyre said we are facing the design fund question now and then we will be facing the construction fund question next year if the design fund passes. These are closely tied because it's the same project. Ms. Briggs agrees and said there's an obligation if we decide that we are in favor then to continue to move forward.

AUTHORIZE STATE REVOLVING FUND GRANT APPLICATION:

Mr. Logalbo said the consultant for the engineer and designer of the Town's wastewater treatment center project has prepared an application for us to submit to the state for the state's revolving fund loan program. This was used on the phase I wastewater management plan. Instead of our issuing our own bond for \$4,190,000, we borrowed through the state at a 2% interest rate. We wish to apply for \$11MM of the \$12MM total that the Town Meeting authorized last year for the sewer treatment plant renovations. We have already borrowed \$1MM for the initial design cost, which was authorized this evening, leaving \$11MM of the project left. It makes economic sense for us to apply. This is interesting as it is a 1985 statute that requires that water be priced at its full cost. The fact that our bylaw precedes this doesn't matter to the people who will receive this.

On a motion duly made and seconded, it was unanimously:

VOTED: To accept the provisions of Chapter 40, Section 39J of the General Laws of Massachusetts as the enabling legislation for the District, obligating the District to a pricing system stipulated in the referenced act.

The above was unanimously approved by the Board of Selectmen at its meeting on February 27, 2006 and certified by Christopher Whelan, Town Manager.

DISCUSS STATUS OF TOWN COUNSEL:

Mr. Whelan received a call from Bill Lahey, Town Counsel, at the firm of Edwards Angeli Palmer & Dodge last Wednesday informing him that on March 1 he would be leaving the former Palmer & Dodge to join the firm of Anderson & Kreiger LLP. The history of Town Counsel is we've used Palmer & Dodge since 1994 when Norm Cohen, former bond counsel, took over as Town Counsel and served until 1999 and then Bill Lahey took over. We have been satisfied with the work Palmer & Dodge has provided for us which goes back almost 30 years. Currently we are faced with a choice. Bill Lahey is the lead gatekeeper for Concord as Town Counsel. Outside counsel is used for labor relations matters but for most issues, Mr. Lahey handled our business.

State Fund
Application

Town Counsel

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The Finance Director has recommended that Palmer & Dodge continue to be the bond counsel. The question is whether we wish to stay with Edwards Angel Palmer & Dodge or follow Bill Lahey to Anderson & Kreiger for the remaining Town business. Anderson Kreiger's rates are far more advantageous than Edwards Angeli Palmer & Dodge, and we would stand to save money. Our lead litigator, Kevin Batt has argued the majority of the 10-15 cases that the Town has litigated, is moving with Bill Lahey. Another attorney, whose name cannot be disclosed and has worked on real estate matters, is also moving.

Some biographical information concerning the other partners at Anderson & Kreiger was provided to the Selectmen as well as past and current municipal clients. Their offices are in Cambridge.

The Selectmen felt the timing was awkward and we should keep Mr. Lahey and Mr. Batt at least through Town Meeting to get through the Warrant and Articles. They will revisit the various firms available after Town Meeting.

Something does need to be done by March 1, either staying with Angel Edwards Palmer & Dodge or staying with Bill Lahey as Town Counsel at Anderson & Kreiger. We have been working with Bill and other associates on the Town Meeting material. The Community Preservation Committee has relied on Jay Gonsales not just for bond counsel but also for the CPA where he is an expert. He is staying at Palmer & Dodge. Ms. McIntyre felt we might want to continue to refer our CPA questions to him. She felt we should look to our own needs rather than counsel shifting firms and has expressed interest in Anderson & Kreiger for some time. She felt a firm should be designated rather than a particular lawyer as Town counsel.

Mr. Whelan indicated his request would be to confirm the Town Manager's appointment of Anderson & Kreiger as a firm for Town Counsel through June 1 with the details of the transition to be worked out by the Town Manager.

On a motion duly made and seconded, it was unanimously:

VOTED: To appoint Anderson & Kreiger Town Counsel through June 1, 2006.

FY07 BUDGET DISCUSSION:

There were no questions.

MISCELLANEOUS:

1. Ms. McIntyre recommended sending the official letter on the lottery diversion in the form the Mass Municipal Association suggested. This is a powerful means to assure we receive our full lottery share.

COMMITTEE NOMINATIONS:

Ms. Terry nominated Genine Tillotson, 34 Holden Lane, and Scott Anderson, 30 Dover Street, to the Cable TV Committee, terms to expire May 31, 2008.

TOWN MANAGER APPOINTMENTS:

On a motion duly made and seconded, it was unanimously:

VOTED: To approve the Town Manager's appointment of Jennifer Bemis, 21 Liberty Street, to the Natural Resource Commission, for a term to expire May 31, 2009.

FY07 Budget

Miscellaneous

Committee
Nomination

Town Manager
Appointments

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CITIZEN'S COMMENTS:

There were no citizen comments.

Citizen
Comments

ADJOURNMENT:

On a motion duly made and seconded, it was:

VOTED: To adjourn to the FinCom Hearing and then into Executive Session for the purposes of discussing land and contract negotiations following the Hearing at the Teacher's Lounge at Alcott School, not to return to open session.

Adjournment

Anne D. Shapiro	Aye
Virginia McIntyre	Aye
Philip H. Benincasa	Aye
Judith A. Terry	Aye
Margaret B. Briggs	Aye

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Virginia McIntyre, Clerk